



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 11, 2006

SUBJECT: **2005-1189 – Fair Oaks Investments** [Applicant] **Sadao and Chiyemi Masuda et al** [Owner]: Application on a 14,210 square-foot site located at **708 North Fair Oaks Avenue** (near Caliente Dr) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District.

Motion Special Development Permit to allow a trash enclosure between the street and the front of the building.

REPORT IN BRIEF

Existing Site Conditions Existing Commercial building

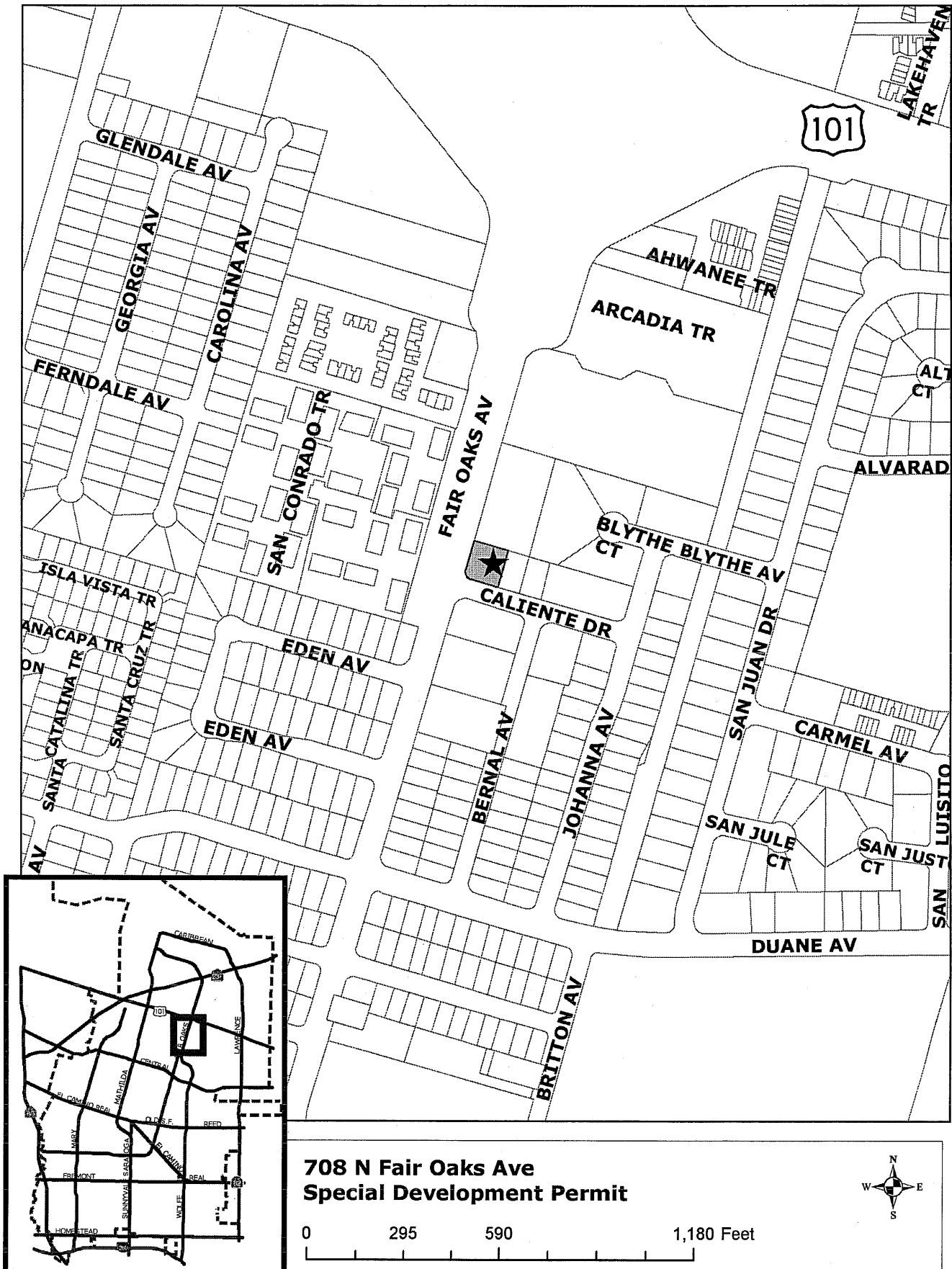
Surrounding Land Uses

North Multi-family residential
South Across Caliente Drive, a gas station
East Commercial
West Across Fair Oak Ave, Multi-family residential

Issues Parking
 Aesthetics

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Neighborhood Commercial	Same	Neighborhood Commercial
Zoning District	C-1/PD	Same	C-1/PD
Lot Size (s.f.)	14,210	Same	No min.
Gross Floor Area (s.f.)	3,590	Same	9,947 max.
Lot Coverage (%)	25%	Same	35% max.
Floor Area Ratio (FAR)	25%	Same	70% max.
No. of Tenant Spaces	2	Same	No max.
No. of Buildings On-Site	1	Same	No max.
Building Height (ft.)	24	Same	40 max.
No. of Stories	1	Same	2 max.
Setbacks (Facing Property)			
Front (Caliente)	83'6"	Same	70 min.
Left (Fair Oaks)	15'	Same	15 min.
Right Side (east)	0'	Same	0 min.
Rear (north)	0'	Same	0 min.
Landscaping (sq. ft.)			
Total Landscaping	3,450	Same	2,842 min.
Frontage Width (ft.)	15'	Same	15 ft. min.
Landscaping Buffer (ft.)	10'	Same	10 ft. min.
Parking			
★ Total Spaces	17	17	19 min. per SDP
Standard Spaces	13	12	13 min. per SDP
★ Compact Spaces/ % of Total	3/18%	3/ 19%	3/18% max. per SDP
Accessible Spaces	1	1	1 min.
Covered Spaces	0	0	0 min.
Aisle Width (ft.)	24	24	24 min.
★ Bicycle Parking	0	0	1 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

Applicant has requested to relocate the existing trash enclosure from the current location at the northeast corner of the parking lot to the southwest corner of the lot near the street corner. The request is based on safety and hygiene concerns. According to the applicant, the current location provides an alcove which has been used as a staging area for recent robberies and has occasionally been used as a bathroom. The applicant would also like to increase the size of the enclosure as the existing enclosure does not meet the tenant's needs for the volume of trash and recycling they produce.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/ Decision	Date
1989-0284	Variance for reduced front & side yard setbacks, and for parking	Unknown	6/28/89 (filing date)
1988-0280	Special Development Permit for donut shop, allowed for only 19 parking spaces	Administrative Hearing / Approved	1/6/88
1986-0159	Special Development Permit to replace service station with a retail/ office building	Planning Commission / Approved	2/24/86
1985-0068	Special Development Permit for a waiver of undergrounding	Planning Commission / Approved	3/12/85

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions includes minor alterations to existing facilities.

Special Development Permit

Description of Use: The existing commercial building on the subject site serves as retail (*7-Eleven*) and restaurant use (*Daily Donuts*).

Site Layout: The site is located on the north east corner of a prominent intersection at Fair Oaks Avenue and Caliente Drive. Multi-family residential

buildings are located to the north and west, a commercial building is located to the east, and a gas station is located south of the site.

The rectangular building is located along the northeast boundary of the site, with a parking lot just south of the building, and landscaping strips along the south and west boundaries.

The existing masonry trash enclosure is located on the northeast corner of the parking lot, approximately two feet from the main building wall, creating an alcove between the enclosure and the building that is not visible to occupants of the building. The applicant has raised this as a safety concern, stating that the alcove has served as a staging area for burglars. According to the Sunnyvale Department of Public Safety, there have been three reports of violent crimes (assault/battery, robbery, and attempted robbery) at the subject site since January 2004.

Architecture: The rectangular shaped commercial building has elements of a Spanish style with a tiled roof, stucco finish, and arched entryways. The existing trash enclosure has a similar stucco finish with minor decorative feature to match the main building. The colors of the two structures are the same.

Landscaping: The 3,450 square feet of existing landscaping exceeds the required 2,842 square feet. The majority of the landscaping is used to meet the landscaping frontage requirement. However, if additional space is needed to meet parking requirements, up to 608 square feet of existing landscaping may be transitioned to parking space without resulting in the total landscaping in meeting Code requirements. The only non-required landscaping is along the southern boundary, including a narrow landscaping buffer from the Caliente Drive entrance and the area just outside the driveway Vision Triangle.

Parking/Circulation: The existing parking is less than currently required by the Municipal Code, which is 23 spaces for the existing retail (2,400 square feet) and restaurant (1,050 square feet) use. A 1987 Special Development Permit approved only 19 parking spaces (including 3 compact) for the current types of use based on the rationale that the donut shop provided more of a retail-type use than a restaurant-type use.

The site currently has only 17 spaces, which includes a large loading zone. According to Building Division staff, the site loading area is not required for this site. The existing striping for the accessible space is 12.5 feet wide where only 8 feet is required. Based on a 1986 site map, it appears that the existing striping on the lot is incorrect as the existing space does allow for the approved 19 spaces.

Relocating and enlarging the trash enclosure would result in the loss of two spaces if the three compact parking spaces are not allowed. Moving the enclosure only results in the gain of one space from the existing location.

The site lacks a bicycle parking rack, which is currently a standard City requirement.

Expected Impact on the Surroundings: The proposed relocation of the trash enclosure to the southeast corner of the parking lot will increase the visibility around the enclosure, which may result in a decrease in crime. However, the relocation may also result in a negative aesthetic impact to the prominent intersection of Fair Oaks Avenue and Caliente Drive.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

No public meetings were held and no correspondence was received from the general public regarding this application.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 128 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Discussion: The primary issues associated with the proposed project are the impact on parking and the potential aesthetic impact of locating a trash enclosure at a prominent location at a major intersection.

The site does not currently meet the approved parking due to inaccurate striping. Construction of a larger trash enclosure in the southwest corner of the parking lot could meet the previously established requirements if:

- a) Three compact spaces are allowed,

- b) The loading zone is removed,
- c) The cross-hatched area for the accessible parking is reduced to the minimum width of 8 feet,
- d) Some landscaping in the southwest corner of the lot is replaced with curb and pavement (note that this can not encroach into the Vision Triangle), and
- e) The parking lot is re-stripped.

The aesthetic issue may be addressed by requiring the enclosure to match the appearance of the existing building, including a similar stucco finish with a color and design features, a tiled roof or arbor trellis over the enclosure, and landscaping surrounding the structure such as climbing vines.

Staff also recommends requiring a bicycle parking rack to be installed on the site in front of the shops.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit with the attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Do not approve the Special Development Permit.

Recommendation

Alternative 1.

Prepared by:


Jamie McLeod
Project Planner

Reviewed by:


Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Pictures of Site
- E. Letter from the Applicant

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Goal C1: Preserve and enhance an attractive community, with a positive image and a sense of place, that consists of distinctive neighborhoods, pockets of interest, and human-scale development.

City-Wide Design Guidelines

I. Site Design

Site Organization

B2. Emphasize the pleasant components of the project such as existing trees and views, and disguise its less desirable scenes such as loading and service areas through placement and design of structures and landscaping.

II. Building Design

Architecture and Design

C8. Non-residential buildings on corner lots shall demonstrate a strong tie to the public streets. Enhance street corners by special design features such as tower elements, celebrated main entrances, or landscape features. Residential building shall create a tie to the public streets by proper siting and landscaping..

V. Service Facilities

Trash Enclosures

E7. Trash enclosures must screen trash containers on all 4 sides. The height of enclosures shall fully screen the containers and shall be a minimum of 6 feet high.

E9. The style, material, and color of enclosures shall be similar to those of the main structure.

E10. Enclosures shall be made of masonry and match the main building in finish and color in Commercial Zones. Residential enclosures may be wood, painted to match the building.

E11. Steel enclosure gate in commercial areas and wood enclosure gates in residential zones are required as a minimum standard.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale [Finding made]. As conditioned, the project increases the safety on the site without creating an aesthetically unpleasing structure.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties [Finding made]. The relocation and enlarging of the trash enclosure reduces the trash containers that can not fit in the existing enclosure and are currently visible to the public. The proposed trash enclosure, as conditioned, amount of may provide an aesthetic feature at a prominent intersection.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. For issues not addressed by this Special Development Permit, comply with all requirements of previously approved Special Development Permits.
- E. Incorporate Best Management Practices (BMPs) into design of structure to mitigate negative environmental impacts, such as runoff from the trash enclosure not draining directly to a stormwater drainage system.
- F. Obtain Building permits for new structure.
- G. New structure may not encroach into the 40 foot Vision Triangle.
- H. If the parking area needs to be enlarged to meet design requirements, applicant shall be responsible for installation of new curbs, paving and/or landscaping, as necessary to meet design requirements and to restore the parking area to City standards.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The exterior design of the new trash enclosure shall be reviewed and approved by the Director of Community Development prior to issuance of Building Permits.
- B. Either a roof or an arbor may be used as a covering for the new trash enclosure. The type and materials used shall be approved by

the Director of Community Development prior to issuance of Building Permits.

3. EXTERIOR EQUIPMENT

- A. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.
- B. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

4. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to finaling the Building Permit. The landscape plan shall include climbing vines or similar landscaping feature around the trash enclosure.
- B. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.

5. PARKING

- A. The final configuration of the parking lot shall have a total of 19 parking spaces, which shall include at least one accessible (handicap) parking space and may include up to 3 compact spaces. The parking lot plan is subject to review and approval of the Director of Community Development prior to issuance of a building permit.
- B. The parking shall be re-configured and re-striped prior to the finaling of the building permit.

6. BICYCLE PARKING

- A. Provide one bicycle rack on the site, in a location to be reviewed and approved by the Director of Community Development prior to issuance of a building permit.

7. RECYCLING AND SOLID WASTE

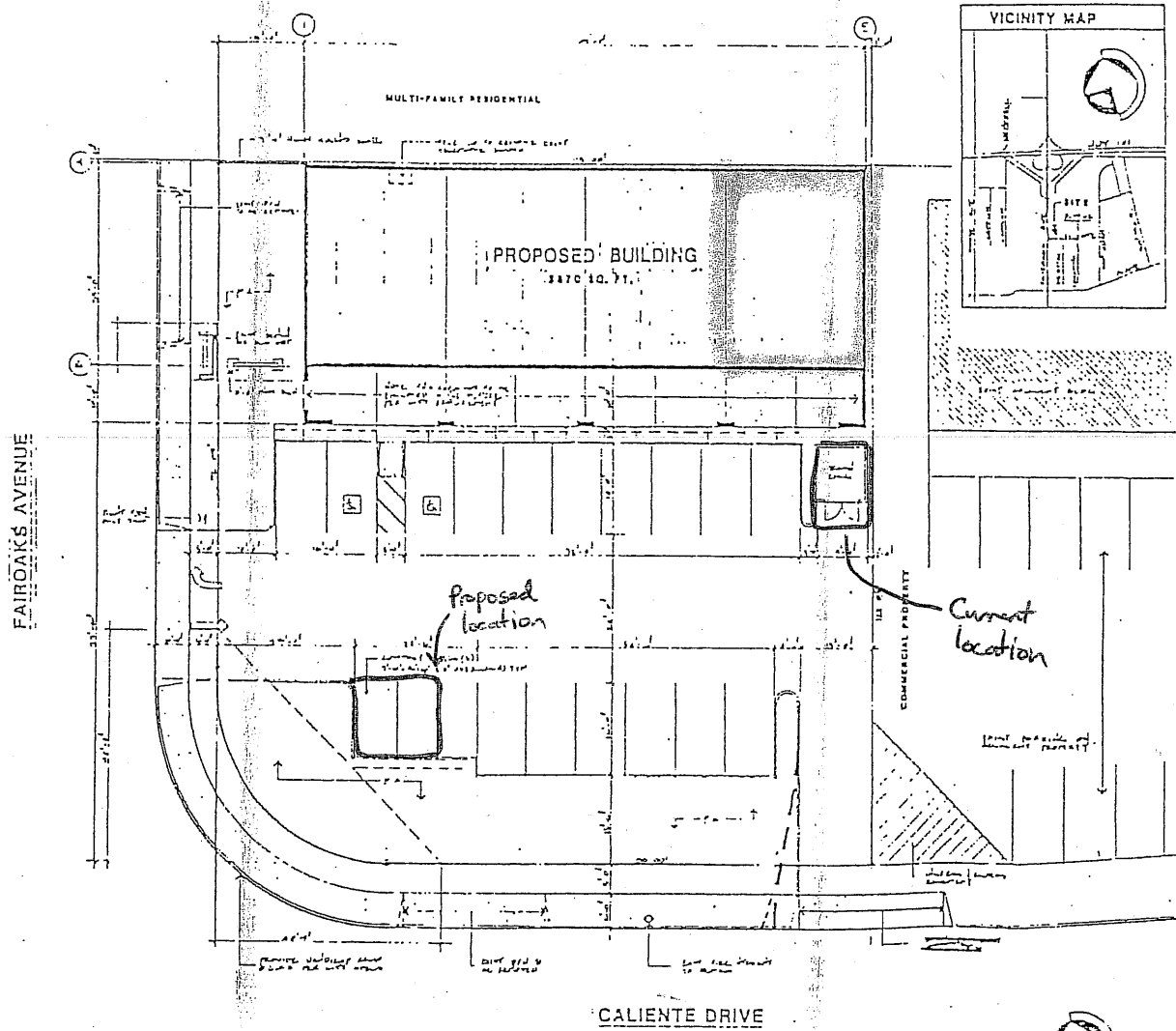
- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.

- D. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- E. The interior design of the new trash enclosure, including dimensions, shall be reviewed and approved by the Director of Community Development prior to issuance of Building Permits.
- F. Submit a detailed recycling and solid waste plan to Director of Community Development for review and approval.
- G. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.
- H. All exterior trash shall be confined to approved receptacles and enclosures. Any stacked or stored items shall not exceed the height of the enclosure.

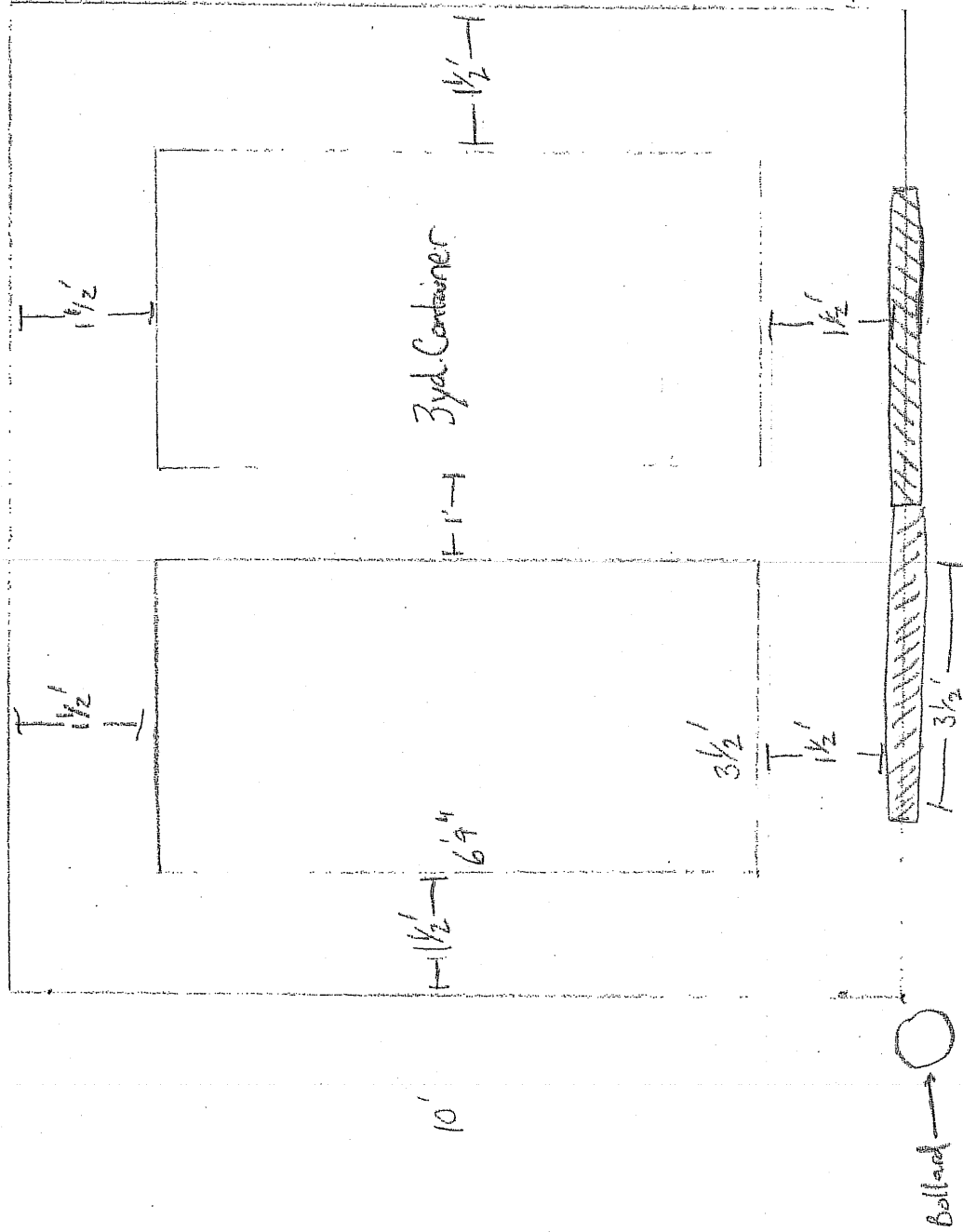
EXHIBIT A

PREMISES

(Site Plan)

SITE PLAN

Proposed Trash Enclosure
708 N. Fairbanks



* Wheel Stops will be fastened to the ground around the perimeter of the trash containers 14" from the interior wall

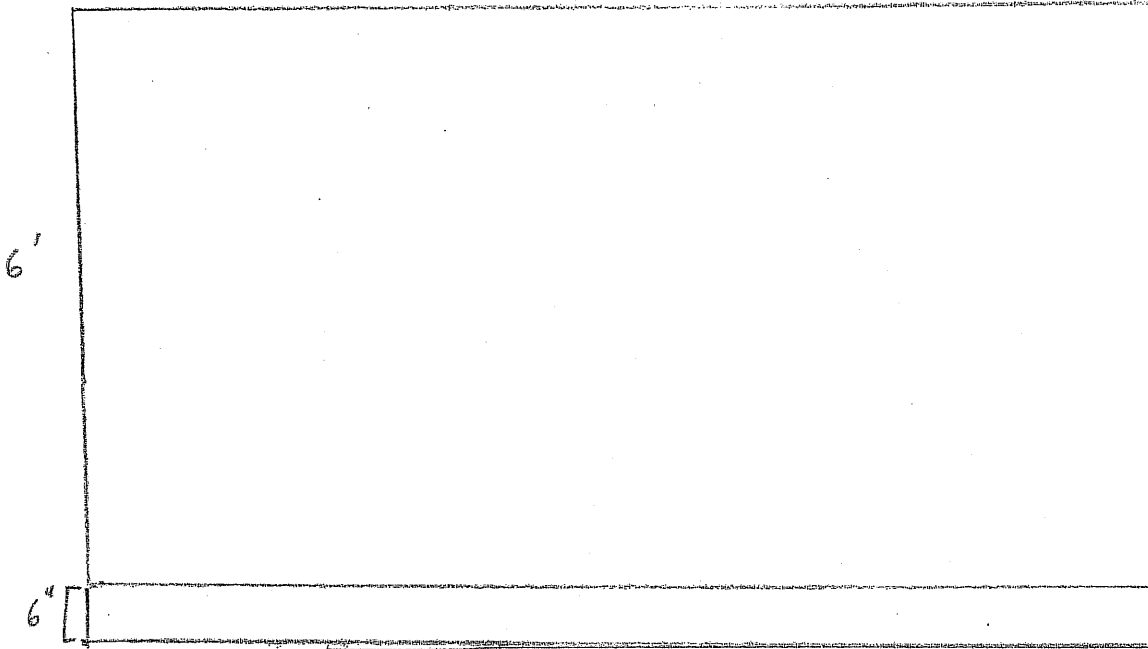
→ * Need about a 6' x 11' concrete pad. This pad will extend 6' beyond the trash enclosure.

* D.I. will be 1" thick

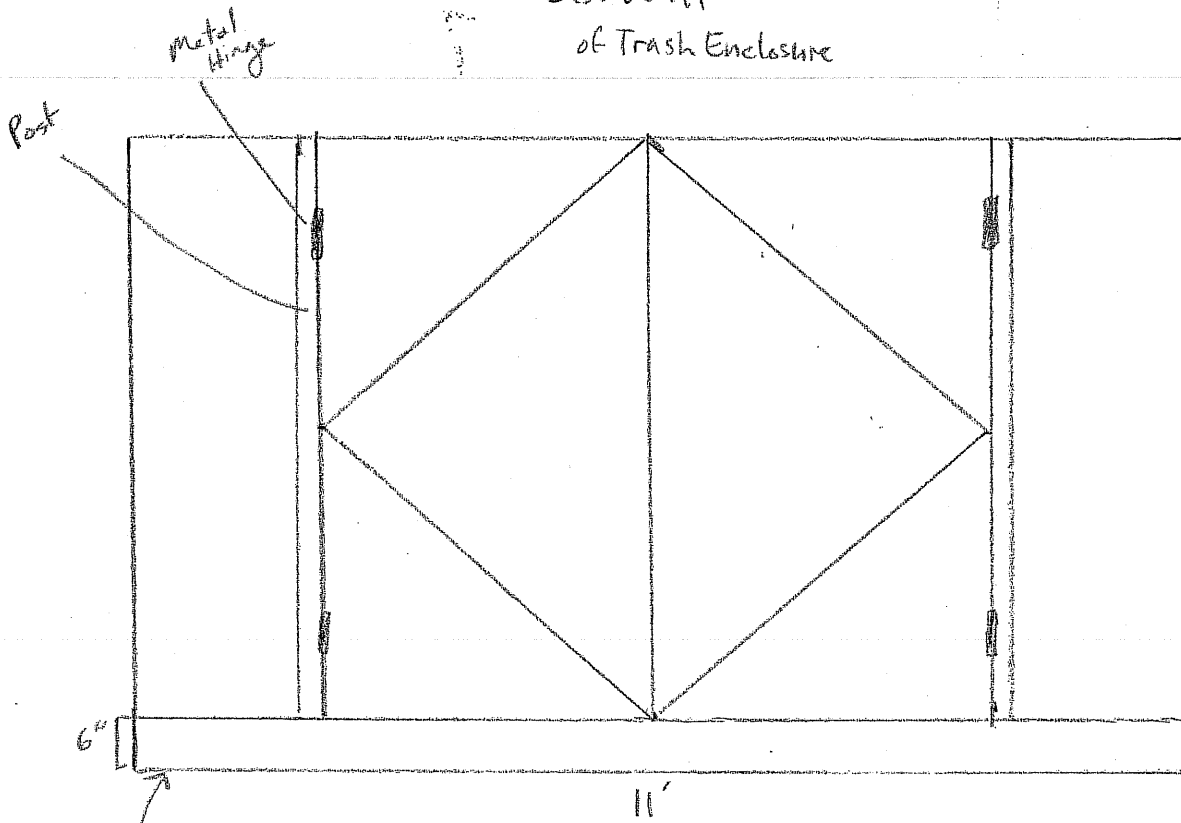
West Wall
of Trash Enclosure
11'

ATTACHMENT C

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East Wall
of Trash Enclosure

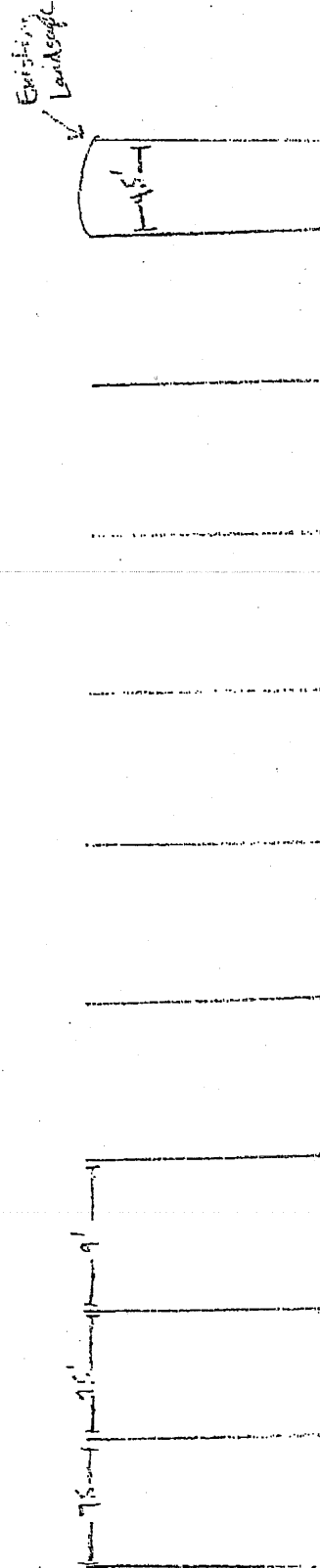
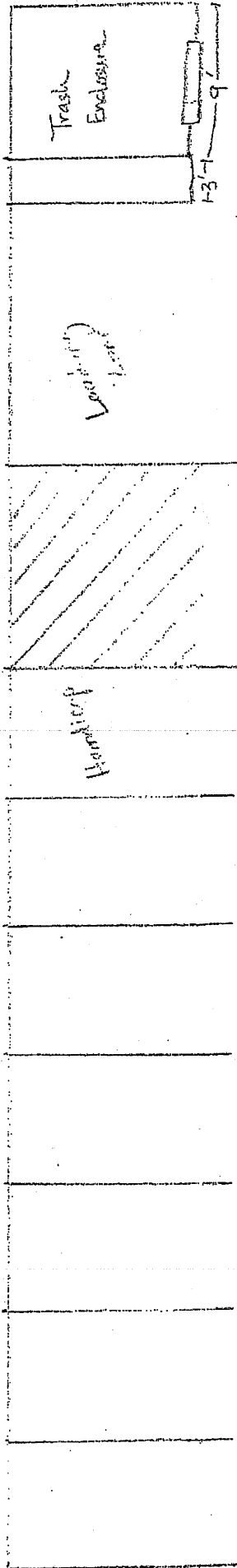


Concrete Apron that extends 6' beyond trash enclosure

North + South Wall
of Trash Enclosure $\frac{1}{2}" = 1ft.$ Black Wall
on outside
match
building

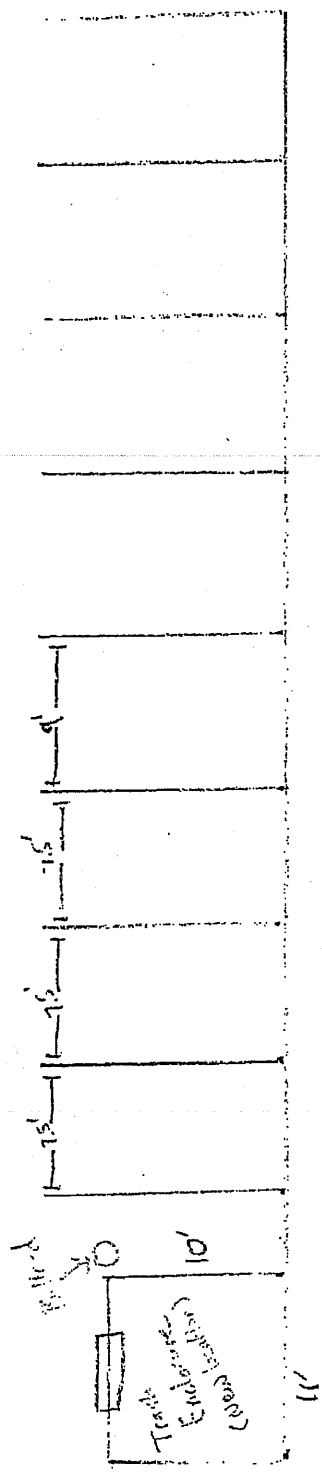
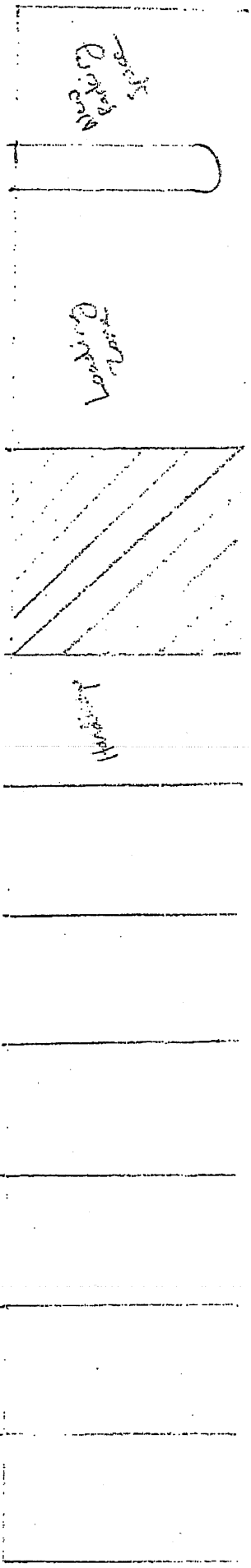
6'

6"
Concrete
Slab6ft. Concrete Apron
(11ft. Wide)

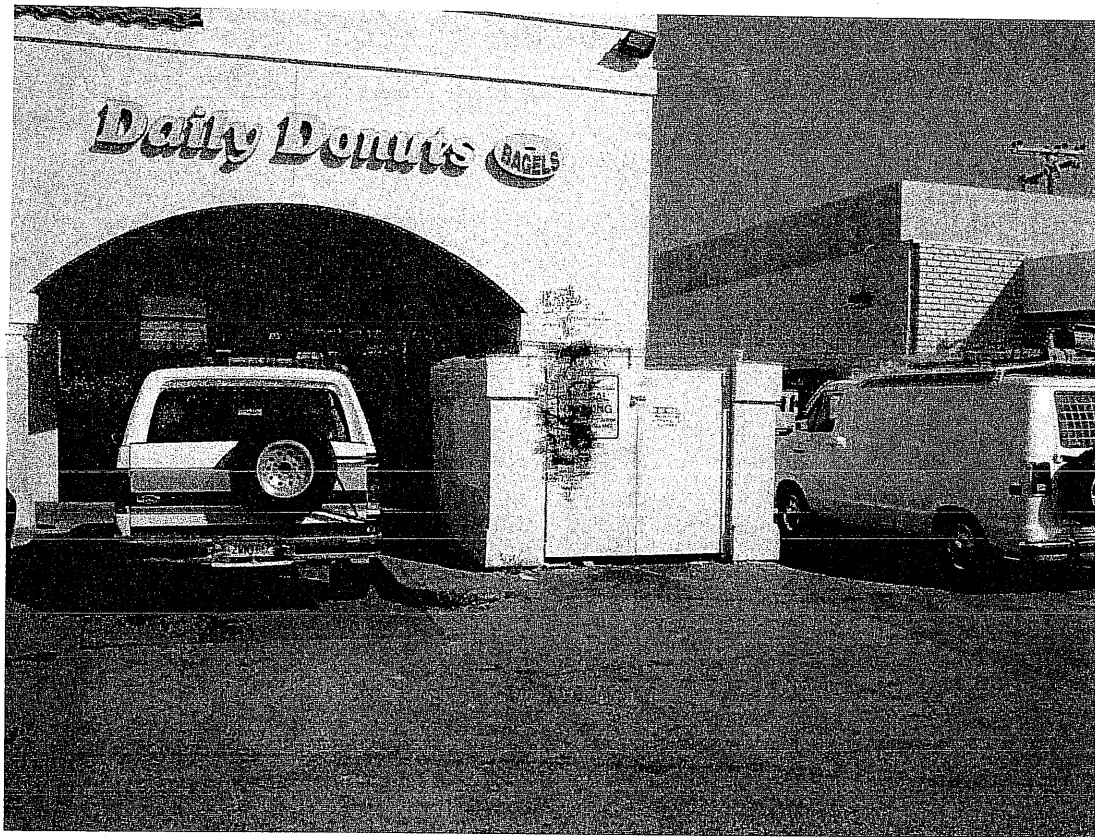


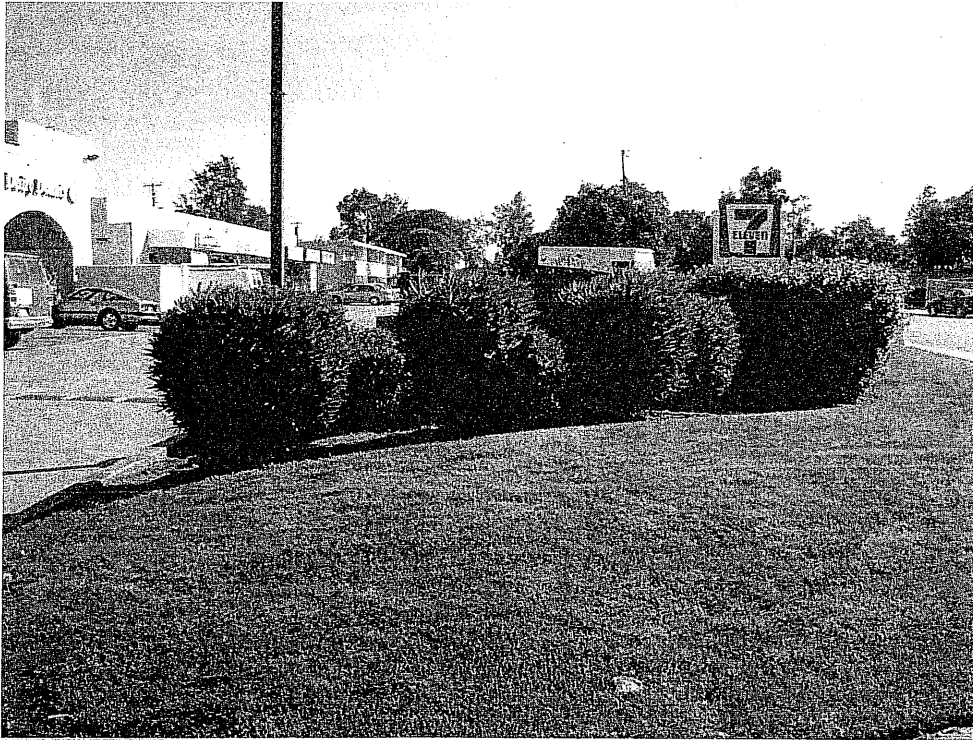
North
↓

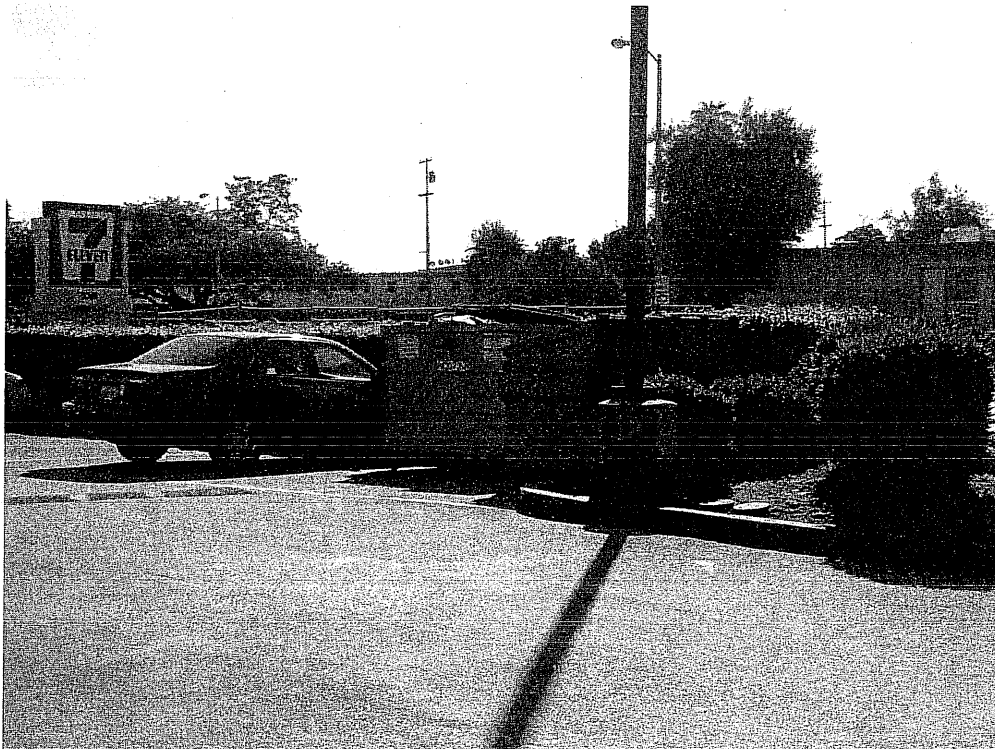
Exhibit B



North ↓







FUJINAGA MANAGEMENT

158 EAST JACKSON STREET
SAN JOSE, CA 95112

TELEPHONE (408) 278-7700

FACSIMILE (408) 278-7704
E-MAIL Tfujinaga@sprynet.com

November 22, 2005

City of Sunnyvale
Planning Department
456 W. Olive Ave.
Sunnyvale, CA 94088Re: Project Description Trash Enclosure Relocation
708 N. Fair Oaks Ave.

Dear Sir or Madam:

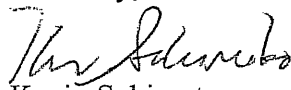
As part of your application requirements the following is the project description for our proposal to relocate and enlarge our existing trash enclosure to a new location. Please see the attached site plan which highlights the current location and the proposed location. The old location will be converted to parking space to compensate for the lost parking from the new location.

Currently, there are two tenants in our building: 7-11 and Daily Donuts. Both of our tenants have expressed some concerns with the current location and size. We all feel that the new location would increase the safety and sanitation of our retail center for the following reasons:

1. Current size of the trash enclosure cannot accommodate a recycle bin and a trash dumpster. The new trash enclosure would be large enough to accommodate both bins.
2. Current location is a safety risk to both tenants and their employees. The operator of 7-11 has expressed to me that during the evening the homeless people hang around the trash enclosure and rummage through it. 7-11 employees cannot see the enclosure at night (this is not due to lack of lighting, but line of sight issues), and therefore cannot look out for one another when they take the trash out. The Daily Donuts owner has told me that he has been robbed twice in the past 6 months. He said in reviewing his video surveillance the robbers have used the trash enclosure as a staging point because they are able to hide until the "time is right".
3. Persistent problems with people using the area as a bathroom. The Daily Donuts owner has to constantly clean the area because of the smell.

The new location will be in plain view and discourage or eliminate all of the problems mentioned above. Gail Bentley of Public Works has reviewed the site and given approval. Please contact our office if you have any questions.

Sincerely,


Kevin Sakimoto

FUJINAGA MANAGEMENT

158 EAST JACKSON STREET
SAN JOSE, CA 95112

TELEPHONE (408) 278-7700

FACSMILIE (408) 278-7704
E-MAIL Tfujinaga@sprynet.com

January 5, 2006

Jamie McLeod
Dept. of Community Development
456 W. Olive Avenue
Sunnyvale, CA 94088-3707

via Facsimile

Re: Relocation of Trash Enclosure 708 N. Fair Oaks Ave.
Preliminary Parking Lot Layout

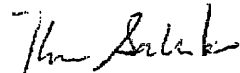
Dear Jamie:

I have put together a preliminary layout of the parking lot if we moved the trash enclosure to the northwest corner of the property, and included the current layout as well for comparison. I went to the property to take field measurements so I could create a scale drawing of the parking lot. Please note the following:

1. The layout marked Exhibit A is the current parking lot. The layout marked Exhibit B is the proposed layout.
2. I went to the site and measured all the parking spaces; currently there are only two compact spaces, and noted them in Exhibit A. All other spaces are regular spaces.
3. If you refer to Exhibit B I have removed the existing trash enclosure and replaced it with a parking space. I will create three compact spaces instead of two on the west side parking lot, and remove the existing landscaping on the southwest corner of the property to create another parking space. There will be no net loss in the number of parking spaces.

Please let me know if the layout will be acceptable. The other comment from the PRC meeting were the design aesthetics of the trash enclosure what level of detail will you need to see for approval to be granted? At this point I was thinking of adding a trellis to cover the top, and wisteria for the landscaping. Your feedback would be appreciated.

Sincerely,


Kevin Sakimoto